

DOCKET NO.: PH 7464 NP
10/678,331

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DFW



Docket Number PH 7464 NP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: King, B. W. Examiner: Lambkin, D. C.

Serial No.: 10/678,331 Group Art Unit: 1626

Filed: October 3, 2003 Confirmation: 2556

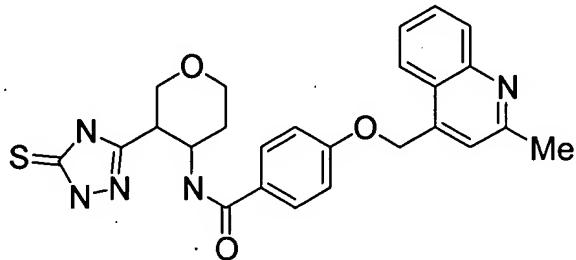
For: **TRIAZOLONE AND TRIAZOLETHIONE DERIVATIVES AS INHIBITORS OF MATRIX METALLOPROTEINASES AND/OR TNF- α CONVERTING ENZYME**

Mailstop:
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Office Action mailed September 14, 2005, Applicant elects, with partial traverse, Group III and the species of 4-(2-methyl-quinolin-4-ylmethoxy)-N-[3-(5-thioxo-4,5-dihydro-1H-[1,2,4]triazol-3-yl)-tetrahydro-pyran-4-yl]-benzamide (as shown below), for examination purposes only.



The elected species is exemplified by Examples 14 and 15 (pages 60-62). Claims 1-18 are readable on the elected species.

Restriction

The Examiner has required restriction in the above-identified application and has divided the claims into four groups as described in the Office Action. Applicant has elected, with partial traverse, Group III, for examination purposes only.

Applicant traverses the restriction between Group III and Group IV on the grounds that no materially different product has been shown for which process can be practiced. Applicant respectfully requests that Group IV be rejoined once the subject matter of Group III has been determined to be allowable. Process claims of Group IV include all of the limitations of product claims of Group III. Their rejoinder, therefore, will be proper under MPEP 821.04.

Species Election

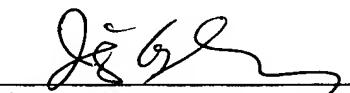
Applicant has elected, with traverse, the species of 4-(2-methyl-quinolin-4-ylmethoxy)-*N*-[3-(5-thioxo-4,5-dihydro-1*H*-[1,2,4]triazol-3-yl)-tetrahydro-pyran-4-yl]-benzamide, for examination purposes only. Applicant respectfully traverses the requirement for an Election of Species on the grounds that no reasons have been provided by the Examiner to show that there would be a serious burden placed on the Examiner if restriction were not required (MPEP 803). Applicants respectfully request that, should the Examiner find the elected species allowable, the search be extended, since Applicants are entitled to consideration of claims to a reasonable number of disclosed species in addition to the elected species as provided for under 37 CFR 1.146.

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In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

Respectfully submitted,

Date: September 28, 2005



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Please forward all future correspondence relating to this application to:

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